

STATE ATTORNEY'S OFFICE  
TWELFTH JUDICIAL CIRCUIT OF FLORIDA  
INTERDEPARTMENTAL MEMORANDUM

TO: VENICE POLICE DEPARTMENT  
ATTENTION: OFC. MONTANEZ, #418; RECORDS/CID  
FROM: CHARLES DEMCHAK  
DEFENDANT: ETHAN SKYLER WATERS  
ARREST DATE: 12/21/2018  
AGENCY #: 2018-VPD-002315  
SAO CASE #: 19MM001639AV  
CHARGE: RESISTING, OBSTRUCTING OR OPPOSING AN OFFICER WITHOUT VIOLENCE

This office has made the following decision concerning the charges against the above-named defendant:

- ☒ **This office has entered a Nolle Prosequi in the State's case against the above-named defendant.**

COMMENT SECTION:

Venice Police responded to a reported burglary of a motel room at the Motel 6 after a clerk reported that a maid witnessed a male enter a room through a window. The clerk reported to 911 that she had spoken with the registered guest who specifically advised that the defendant did not have permission to enter the room. The clerk exhibited fear during the call and advised that a maid was in fear. They also advised there was a second subject, and that one of the subjects was hiding in the bushes. Law enforcement officers responded with lights and sirens to the call. Upon officer's arrival to the motel, officers were met by a motel clerk who pointed at the defendant and advised he was the person seen entering the room through the window. At that moment, officers acted in good faith to physically detain the defendant to further investigate the burglary.

Subsequent to taking the defendant into custody and securing him in their police vehicle, officers determined that the defendant had previously been given permission to stay in the room from the registered guest, and had been told to enter and exit through the window as there was not a second key. The defendant's belongings were also found in the room. Officers determined the defendant was not committing a burglary and that the registered guest misinformed the motel about the defendant's authority to enter the room. Police did not charge the defendant with burglary; however, he was charged with resisting without violence after perceived resistance to their lawful commands.

The State determines the miscommunication the registered guest shared with the motel led to the call to police. Considering the defendant's actual permission from the registered guest to stay in the room, and because the police investigation revealed that the defendant did not commit a burglary, the State finds that the interests of justice are not served by a continued prosecution in this matter and the charge against this defendant is dropped.

  
**BRIAN CHAMBERS**  
Division Chief

Date: 1st day of May, 2019.

Should there be any questions concerning this matter, please contact the Assistant State Attorney named in the "FROM" portion of this memorandum.